

## REMARKS

The Office Action of October 28, 2008 was received and carefully reviewed. Claims 4-15, 37-48 and 52-54 were pending prior to the instant amendment. By this amendment, claims 4-6 and 40-42 are amended; claims 37-39 and 52-54 are canceled; claims 55-66 are added. Consequently, claims 4-15, 40-48 and 55-66 are currently pending in the instant application. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

Claims 4-15, 37-48 and 52-54 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner alleged that the feature including “first and second pins” was not specifically described in the specification. Without conceding the propriety of the rejection, the aforementioned terms have been removed from the claims. It is believed that the claims are in compliance.

Claims 4-15, 37-48 and 52-54 were rejected under 35 U.S.C. §103(a) as being unpatentable over Applicant’s Admitted Prior Art (AAPA) and U.S. Patent No. 5,858,822 to Yamazaki et al. (hereinafter, Yamazaki ‘822) and U.S. Patent No. 6,440,785 to Yamazaki et al. (hereinafter, Yamazaki ‘785) and U.S. Patent No. 4,724,222 to Feldman in view of U.S. Patent No. 4,088,312 to Frosch et al. (hereinafter, Frosch). AAPA, Yamazaki ‘822, Yamazaki ‘785, Feldman, and Frosch, however, fail to render the claimed invention unpatentable. Each of the claims recite a specific combination of features that distinguishes the invention from the prior art in different ways. For example, independent claims 4 and 40 recite a combination that includes, among other things:

*“[a] laser irradiation apparatus comprising . . . wherein the laser beam irradiation surface has a cylindrical shape curvature in a direction parallel to the first direction . . . wherein the cylindrical shape curvature is*

*provided in a negative direction with respect to the direction at which the laser beam advances . . . and wherein the laser beam irradiation surface has a side length on the order of 1 m.*

Independent claims 5, 6, 41 and 42 recite yet another combination that includes, *inter alia*,

*“[a] laser irradiation apparatus comprising . . . wherein the laser beam irradiation surface has a concave shape curvature in a direction parallel to the first direction . . . wherein the laser beam irradiation surface has a side length on the order of 1 m.”*

At the very least, AAPA, Yamazaki ‘822, Yamazaki ‘785, Feldman, and Frosch, whether taken alone or in combination, fail to disclose or suggest any of these exemplary features recited in independent claims 4-6 and 40-42.

In accordance with Applicant’s originally filed specification, the Examiner is directed to page 7, last line, to page 8, line 4 of the present application wherein the following is disclosed:

*“it becomes clear that it is preferable to make the length of the linear shape beam in the longitudinal direction at least on the same order as the length of the short side of the substrate . . . However, there is a tendency for the path length of the optical system to become longer in order to form a long linear shape beam.”*

Accordingly, the subject matter of the present application is to shorten an optical path length of an optical system for forming a linear shape beam (e.g., as stated in the ABSTRACT OF THE DISCLOSURE section of the present application). In order to establish a solution to the aforementioned requirements, it is necessary that a third means (as recited in the independent claims) has a concave (cylindrical) shape curvature provided in a negative direction with respect to the direction at which the laser beam advances. Therefore, the concave (cylindrical) shape curvature is related to the subject matter and is not substitutable to the convex shape curvature as mainly disclosed in Feldman and Yamazaki ‘822.

At best, the Examiner purports that Feldman describes that “the curved surface of the chuck may be concave rather than convex” (e.g., column 6, lines 15-16). However, Feldman

is silent with regards to disclosing the necessity for providing the shape to be a concave shape, where the necessity is raised by the anticipated requirement for forming a long linear shape beam, such as on the order of 1 m, while an optical path length of an optical system for forming a linear shape beam is kept as small as possible. None of the additional remaining prior art references disclose or fairly suggest forming a third means to have the claimed shape. Thus, the Examiner has not identified any suggestion or motivation, either in the teachings of the applied references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the apparatus of AAPA in a manner that could somehow result in the claimed invention. Furthermore, the Examiner has not shown the existence of any reasonable probability of success in modifying the base reference, based on the teachings of the secondary references, in a manner that could somehow result in the claimed invention. Accordingly, the Examiner has failed to establish a *prima facie* case of obviousness for at least these reasons.

Each of the Examiner's factual conclusions must be supported by "substantial evidence" in the documentary record, as required by the Federal Circuit. *See In re Lee*, 61 U.S.P.Q.2d 1430, 1435 (Fed. Cir. 2002). The Examiner has the burden of documenting all findings of fact necessary to support a conclusion of anticipation or obviousness "less the 'haze of so-called expertise' acquire insulation from accountability." *Id.* To satisfy this burden, the Examiner must specifically identify where support is found within the prior art to meet the requirements of 35 U.S.C. §§ 102(b) and 103. In this case, however, the Examiner has failed to satisfy his burden of demonstrating how AAPA, taken alone or in combination with Yamazaki '822, Yamazaki '785, Feldman, and Frosch, can either anticipate or render obvious each and every one of the limitations present in independent claims 4-6 and 40-42, as required by the M.P.E.P. and Federal Circuit jurisprudence.

In accordance with the M.P.E.P. § 2143.03, to establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 196 (CCPA 1970). Therefore, it is respectfully submitted that neither AAPA, Yamazaki ‘822, Yamazaki ‘785, Feldman, and Frosch, taken alone or in any proper combination, discloses or suggests the subject matter as recited in claims 4-6 and 40-42. Hence, withdrawal of the rejection is respectfully requested.

Each of the dependent claims depend from one of independent claims 4-6 or 40-42 and are patentable over the cited prior art for at least the same reasons as set forth above with respect to claims 4-6 and 40-42.

In addition, each of the dependent claims also recites combinations that are separately patentable.

Support for newly added claims 55-66 is found, at least, in Applicant’s originally filed specification (e.g., see page 10, lines 15-16, and page 20, lines 4-5). Each of the dependent claims depend from one of independent claims 4-6 or 40-42 and are patentable over the cited prior art for at least the same reasons as set forth above with respect to claims 4-6 and 40-42. In addition, each of dependent claims 55-66 also recite combinations that are separately patentable.

In view of the foregoing remarks, this claimed invention, as amended, is not rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this response, the Examiner’s reconsideration and reexamination of the application, and the timely allowance of the pending claims.

In discussing the specification, claims, and drawings in this response, it is to be understood that Applicant in no way intends to limit the scope of the claims to any exemplary embodiments described in the specification and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned patent agent at (202) 585-8316.

Respectfully submitted,

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